

**R marks**

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

The application included claims 1-18. Non-elected claims 1-5 and 12-18 and claim 7 have been canceled without prejudice or disclaimer of the subject matter contained therein. In addition, claims 6 and 9 have been amended. New claims 19-49 have been added.

***Claim Rejections - 35 USC § 102 and § 103***

Claim 6, as amended, recites an integrating sphere wherein a light inlet, light outlet and walls are cooperatively related such that of the light entering the spherical volume via the light inlet, substantially all the light passing to the light outlet is via multiple reflections from the walls of the spherical volume.

Weber et al., fails to disclose or fairly suggest an integrating sphere wherein a light inlet, light outlet and walls are cooperatively related such that of the light entering the spherical volume via the light inlet, substantially all the light passing to the light outlet is via multiple reflections from the walls of the spherical volume. Rather, Weber et al. is concerned with an integrating sphere in which a substantial amount of input light is directed to and reflected from a sample being examined through a sample port. Therefore, it is submitted that claim 6 and claims 19-25 dependent therefrom distinguish patentably over the references of record. Accordingly, the rejection should be withdrawn.

Claim 8, as amended and placed in independent form, recites an integrating sphere, which includes a spherical volume having a light inlet and outlet, wherein a diameter axis bounds two hemispheres of the spherical volume with the light inlet in one hemisphere and the light outlet in the other hemisphere. The light outlet axis is at an angle of about 35 degrees relative to a diameter axis perpendicular to the first mentioned diameter axis.

As pointed out by the Examiner, Weber et al. fails to disclose the present invention, as claimed. However, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to rearrange the light outlet of Weber et al. (e.g., Fig. 1C) to arrive at the claimed invention. In support of this assertion, the Examiner points to In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

The applicant respectfully submits that the Examiner's reliance on this is misplaced. In particular, a further reading of MPEP 2144.04, in which In re Japikse is cited, instructs that,

[t]he mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. ***The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device.*** [Emphasis added].

MPEP 2144.04, citing, Ex parte Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

In this rejection, the Examiner states that a rearrangement of the device embodied in Fig. 1C of Weber et al. would be obvious. The Examiner goes on to say that "[o]ne would have been motivated to rearrange light outlet axis for the purpose of better viewing of the object." In the present case, no motivation for rearrangement has been found in Weber et al.

Therefore, it is submitted that a *prima facie* case of obviousness has not been established. If the Examiner should contend otherwise, Applicant respectfully requests that the Examiner explicitly cite the column and line numbers where such motivation may be found.

Further, the claimed arrangement results in advantages over what is disclosed in Weber et al. For example, the claimed arrangement facilitates multiple reflections within the integrating sphere before light exits. This arrangement may minimize polarization affects as well as increase consistency and reproducibility of measurements.

For at least these reasons, it is submitted that claim 8 and claims 26-31 dependent therefrom distinguish patentably over the references of record. Accordingly, the rejection should be withdrawn.

Claim 9, as amended, recites an integrating sphere, which includes a spherical volume having a light inlet and outlet, wherein a diameter axis bounds two hemispheres of the spherical volume with the light inlet in one hemisphere and the light outlet in the

other hemisphere. The light inlet has an axis that is generally parallel to and offset from the diameter axis.

Weber et al. fails to disclose or fairly suggest an integrating sphere wherein a diameter axis bounds two hemispheres of the spherical volume with the light inlet in one hemisphere and the light outlet in the other hemisphere and the light inlet has an axis that is generally parallel to and offset from the diameter axis.. For at least this reason, it is submitted that claim 9 and claims 32-38 dependent therefrom distinguish patentably over the references of record. Accordingly, the rejection should be withdrawn.

Claim 39 recites an integrating sphere, which is neither disclosed in nor fairly suggested by Weber et al. Accordingly, it is submitted that claim 39 and claims 40-48 dependent therefrom distinguish patentably over the references of record.

Claim 48 recites a method of measuring light, which is neither disclosed in nor fairly suggested by Weber et al. Accordingly, it is submitted that claim 49 distinguishes patentably over the references of record.

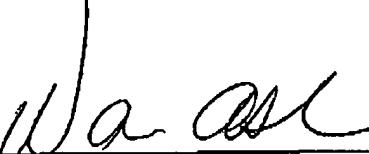
***Conclusion***

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By

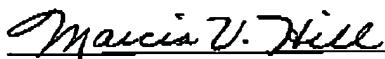
  
Warren A. Sklar, Reg. No. 26,373

1621 Euclid Avenue  
Nineteenth Floor  
Cleveland, Ohio 44115  
PH: (216) 621-1113  
FAX: (216)621-6165

**CERTIFICATE OF TRANSMISSION under 37 CFR 1.8**

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being facsimile transmitted to 703/872-9306 at the U.S. Patent and Trademark Office on the date below.

Date: June 14, 2004

  
Marcia V. Hill

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